

AMENDED IN ASSEMBLY MARCH 29, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1077

Introduced by Assembly Member Chan

February 22, 2005

An act to add Section 49452.7 to the Education Code, relating to pupil health.

LEGISLATIVE COUNSEL'S DIGEST

AB 1077, as amended, Chan. Pupil health.

Existing law requires the governing board of any school district to make rules for the physical examination of pupils that will ensure proper care of the pupils and proper secrecy with regard to any defect noted. Existing law allows the parent or guardian having control or charge of any child enrolled in the public schools to file annually a statement in writing, signed by the parent or guardian, that he or she will not consent to an examination of his or her child. Existing law exempts a child from physical examinations once such a statement is filed with the principal.

This bill would require pupils enrolled in ~~kindergarten~~, a public, or private school to present proof of having received, while in kindergarten, grade 2, and grade 6, an oral health assessment by a dentist or dental hygienist before May 15 of the respective school year. This bill would allow ~~the parent or guardian having control or charge of any child enrolled in a private school to file annually a statement in writing, signed by the parent or guardian, that he or she will not consent to an oral health assessment. This bill would exempt any pupil at a private or parochial school from the assessment requirement once such a statement is filed~~ *a school to withhold a pupil's report card if he or she fails to present proof of an assessment*

by the specified date until one of several specified conditions occurs, including, among others, the filing of a written statement by the parent or guardian of a pupil that he or she does not want his or her child to receive an assessment. This bill would require all public and private schools, after receiving completed assessments, and by June 30 of each year, to send a report, as specified, to the public health department of the county in which the school is located. ~~By requiring schools to perform additional duties, this bill would impose a state-mandated local program.~~

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes-no~~. State-mandated local program: ~~yes-no~~.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Oral health is integral to overall health.
- 4 (b) Tooth decay is the most common chronic childhood
- 5 disease, experienced by more than two-thirds of California's
- 6 children and five times more common than asthma.
- 7 (c) California's schoolchildren, ages 6 to 8, inclusive,
- 8 experience oral disease at twice the rate of schoolchildren in
- 9 other states.
- 10 (d) Oral diseases are infectious, are not self-limiting,
- 11 contribute to many lost school hours, negatively impact learning,
- 12 interfere with eating, contribute to poor self-esteem, and can
- 13 cause considerable pain.
- 14 (e) Tooth decay is ~~100 percent~~ preventable.
- 15 SEC. 2. Section 49452.7 is added to the Education Code, to
- 16 read:
- 17 ~~49452.7. (a) Pursuant to rules adopted by the State~~
- 18 ~~Department of Health Services, and subject to Section 49451, a~~

1 49452.7. (a) A pupil attending a public or private school shall
2 present proof of having received, while in kindergarten, grade 2,
3 and grade 6, an oral health assessment by a dentist or dental
4 hygienist before May 15 of each school year.

5 (b) If a pupil fails to present proof of an assessment by May 15
6 of each respective school year, the school may withhold his or
7 her report card until one of the following occurs:

8 ~~(1) The pupil presents proof of a completed assessment.~~

9 *(1) Proof of a completed assessment for the pupil is presented*
10 *to the school.*

11 ~~(2) The pupil presents proof that he or she cannot obtain~~
12 ~~an~~*(2) The parent or guardian of the pupil provides a written*
13 *statement that he or she cannot obtain an assessment because of*
14 *undue financial burden or lack of access to a dentist or hygienist.*

15 *(3) The parent or guardian of the pupil provides a written*
16 *statement to the school that he or she does not want his or her*
17 *child to receive an assessment.*

18 (c) All public and private schools shall notify the parents or
19 guardians of pupils enrolled in kindergarten, grade 2, and grade 6
20 concerning the assessment requirement at the beginning of each
21 school year. *The notification shall include a standardized form,*
22 *consistent with an appropriate oral health assessment form*
23 *developed by the Association of State and Territorial Dental*
24 *Directors, that can be used by the dentist or dental hygienist*
25 *performing the assessment, in order to ensure uniform data*
26 *collection.*

27 (d) Upon receiving completed assessments ~~from pupils~~, all
28 ~~public and private schools shall forward the assessments to the~~
29 ~~Office of Oral Health of the Chronic Disease Control Branch of~~
30 ~~the State Department of Health Services.~~

31 ~~(e) The parent or guardian having control or charge of any~~
32 ~~child enrolled in a private school may file with the principal of~~
33 ~~the school in which the child is enrolled a statement in writing,~~
34 ~~signed by the parent or guardian, stating that he or she will not~~
35 ~~consent to an oral health assessment. Thereupon, the child shall~~
36 ~~be exempt from presenting proof of a completed assessment, but~~
37 ~~whenever there is good reason to believe that the child is~~
38 ~~suffering from a recognized contagious or infectious disease, he~~
39 ~~or she shall be sent home and shall not be permitted to return~~

1 until the school authorities are satisfied that any contagious or
2 infectious disease does not exist.

3 SEC. 3. ~~If the Commission on State Mandates determines that~~
4 ~~this act contains costs mandated by the state, reimbursement to~~
5 ~~local agencies and school districts for those costs shall be made~~
6 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
7 ~~4 of Title 2 of the Government Code; public and private schools~~
8 ~~shall, by June 30 of each year, submit a report to the public~~
9 ~~health department of the county in which the school is located.~~
10 ~~The report shall include all of the following:~~

11 (1) ~~The total number of pupils in the school enrolled in~~
12 ~~kindergarten, grade 2, and grade 6.~~

13 (2) ~~The total number of pupils described in paragraph (1) who~~
14 ~~present proof of an assessment.~~

15 (3) ~~The total number of pupils described in paragraph (1) who~~
16 ~~could not complete an assessment due to financial burden.~~

17 (4) ~~The total number of pupils described in paragraph (1) who~~
18 ~~could not complete an assessment due to lack of access to a~~
19 ~~dentist or dental hygienist.~~

20 (5) ~~The total number of pupils described in paragraph (1) who~~
21 ~~could not complete an assessment because their parents or~~
22 ~~guardians provided a written statement to the school that they~~
23 ~~did not want their child to receive an assessment.~~

24 (e) ~~Nothing in this section shall be construed as prohibiting~~
25 ~~county public health departments from sharing aggregate data~~
26 ~~collected pursuant to this section with other government~~
27 ~~agencies, philanthropic organizations, or other nonprofit~~
28 ~~organizations for the purpose of data analysis.~~